



06-03-05

en 1642

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

TERSTAPPEN Leon, RAO Galla Chandra,
O'HARA Shawn Mark, LIBERTI Paul,
GROSS Steven, and DOYLE Gerald

Serial No. 10/079,939

Filed: 02/19/2002

For: METHODS AND REAGENTS FOR
THE RAPID AND EFFICIENT
ISOLATION OF CIRCULATING
CANCER CELLS

Examiner: Misook Yu

Group Art Unit: 1642

Response to 05/19/2005 O.A.

Our File No.: IMMC 304
(was Immu.Rapid)

Election/Restriction:

In response to 05/19/2005 Office Action, applicant respectfully requests to elect group I which includes Claims 1-19, 24-28, drawn to a method of assessing malignancy using EpCAM antibody. As to the further separation of genres, examiner has separated group I into a first genus of molecules listed in Table XII and a second genus with different detection methods. Applicant elects HER-2 as the claimed species for the first genus and Cell Spotter® analysis as the claimed species for the second genus. Applicant understands that if no generic claim is finally held to be allowable, prosecution on the merits will be restricted to the claimed species.

Applicant reserves the right to file divisionals on non-elected claims.

Yours Very Respectfully,

Joseph F. Aceto

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